

REMARKS

In the Office Action dated May 3, 2007, the Examiner again rejects claims 1, 2, 4-7 and 9-36, which are all of the pending claims, under 35 U.S.C. 103 as being unpatentable over the prior art. Specifically, Claims 1, 2, 4-7 and 9-34 were rejected as being unpatentable over U.S. Patent 6,598,230 to Ballhorn ("Ballhorn") in view of U.S. Patent 6,054,987 to Richardson (Richardson), and further in view of U.S. Patent 6,131,086 to Walker, et al. (Walker). Also, Claims 35 and 36 were rejected as being unpatentable over Ballhorn in view of Richardson and Walker, and further in view of U.S. Patent 6,374,336 to Peters, et al. (Peters).

Applicants respectfully disagree that pending claims 1, 2, 4-7 and 9-34 are obvious in view of Ballhorn, Richardson and Walker, under 35 USC § 103(a), and that claims 35 and 36, which depend from independent claim 18, are obvious by Ballhorn, Richardson and Walker, further in view of Peters.

Generally, Claims 1, 2, 4-7 and 9-36 patentably distinguish over the prior art because the prior art does not disclose or suggest the way in which the system administrator, of a video-on-demand service, configures a video data path to transmit a customer-requested video program to the customer's video monitor (interactively chosen by the customer), and monitors the configured video path, using a displayed tree having a plurality of nodes. In one aspect of the invention, the tree, or tree representation, is used to provide multilevel information about the video-on-demand system. For example, the nodes may be embedded with information about the equipment used to provide the video-on-demand services, the users, or the video-on-demand programs themselves. In this aspect of the invention, a system administrator of the video-on-demand system interacts with the nodes to configure and to monitor the connections between servers of the system and the customers.

In particular, when one of the customers requests a video program, the system administrator interacts with the nodes of the display (i) to select one of the servers to provide that requested video program to that one of the customers and (ii) to assign to the one of the customers one or more of a multitude of video data channels to configure a data path between the selected one of the servers and the video monitor of said one of the customers. This configured data path is then used for transmitting the requested video program from the selected one of the servers to the video monitor of the one of the customers for viewing by the customer.

With another aspect of the present invention, a matrix is constructed from a pair of catalogs of elements of a video-on-demand system. Connection representations are formed for at least some of the cells of the matrix, and these connection representations may be used to represent a number of relationships. For instance, these connections may be used to show relationships between users and presentations, or between the video-on-demand equipment. In this second aspect of the invention, the system administrator interacts with the matrix cells to configure and to monitor the connections between the servers and customers of the system.

The references of record fail to disclose or suggest the above-described way in which the system administrator interacts with the displayed tree nodes, or with the matrix cells, to identify and select one or more channels to configure a specified video data path from one of the servers to the video monitor of one of the customers for transmitting the requested video program from that server to that customer for viewing by the customer.

Ballhorn, primary reference, discloses a multimedia box network having of a main data server and a plurality, or operator group of multimedia boxes. The Ballhorn multimedia box network further includes at least one peripheral management station connected to the main data server and to at least one of the multimedia boxes, or the operator group of

multimedia boxes. The peripheral management station receives music and/or video, and provides same to the at least one of the multimedia boxes, or the operator group via the main data server. While Ballhorn indicates that the disclosed network can be used to transmit image data or video data, this reference is primarily directed to distributing music to juke boxes. And while Ballhorn may be said to disclose a multimedia box network, Ballhorn does not provide multilevel information about video on demand services, nor a system administrator for configuring and monitoring connections between servers and customers, and still less a display, on a computer display screen, of a tree having a plurality of nodes.

The Examiner asserts at paragraph 4 of the outstanding Office Action that Ballhorn provides multilevel information about video on demand (VOD) services at Figs. 1-3. Applicants, however, respectfully disagree with the Examiner's assertion because Ballhorn's Figs. 1 and 2 merely show different embodiments of his multimedia box network, and Ballhorn's Fig. 3 merely shows the initialization of individual jukeboxes prior to being brought into operation. And while the Examiner states that Ballhorn includes a system administrator (information server "IS" 12/management PC 30) for configuring connections between the servers and the customers, applicants again respectfully disagree. Ballhorn's IS 12 stores all access data of pieces of music available on Ballhorn's main server 11, but cannot be said to be a system administrator for configuring and monitoring connections, a requirement of each of applicants' independent claims.

The Examiner asserts that Ballhorn does not include a display, on a computer display screen, of a tree having a plurality of nodes, and embedding in the nodes information about VOD services provided to the customers, nor that the system administrator interacts with the nodes shown in the display to configure and monitor the connections between servers and customer video monitors. The Examiner then asserts, however, that Richardson's Figs. 4-6,

disclose a method of creating nodal views of a managed network having a tree for display on a display screen including plurality of nodes, etc. (at col. 4, line 44, through col. 5, line 52), and that it would have been obvious to have incorporated the teaching of Richardson into the system of Ballhorn to enable a system administrator to interact with the nodes.

The Examiner concludes that the reason or motivation for the skilled artisan to combine Richardson with Ballhorn is because the proposed combination would “enable system administrators and the various management centers to monitor and manage services being provided to all network devices, and furthermore for easy troubleshooting of problems on the network devices or to plan future expansion of the network devices.”

Applicants respectfully assert, however, that the stated reason or motivation is found in either Ballhorn or Richardson so that the proposed combination, and therefore the rejection under section 103(a), is improper under the law. That is, the proposed combination of Ballhorn and Richardson is not proposed for failure to provide a specific reason in either reference that would have sufficiently prompted the skilled artisan make the combination to realize the subject matter of applicants’ invention as claimed. KSR Int’l. Co. v. Teleflex, Inc., Slip Op. No. 04-1350 (US April 30, 2007).

But even *assuming arguendo* that it could be proper under KSR to make such a combination, said combination would not render obvious rejected claims because Richardson does not disclose teach or suggest a display, on a computer display screen, of a tree having a plurality of nodes, and embedding in the nodes information about VOD services provided to said multitude of customers, including that the system administrator interacts with the nodes of the display to configure and monitor the connections between the servers and customer video monitors. That is, Richardson describes a procedure for dynamically configuring group view information. Richardson’s Fig. 4 is an illustration of device-centric group views for

graphically displaying related network devices, Fig. 5 is a menu bar and Fig. 6 is a description of their editing of group view information that is stored in a file using a graphical interface. This configurable information may include the name of the group view, a background image and the context.

Richardson provides menu bars, popup means, and toolbar that are context sensitive to group views for network node management. For that matter, the Fig. 6 editing illustration merely shows that a graphical image can be used to change values for various attributes, such as the background graphic and context of one or more printers, but does not show, teach or even suggest a display, on a computer display screen, of a tree having a plurality of nodes, and embedding in the nodes information about VOD services provided to the customers, nor that the system administrator interacts with the nodes shown in the display to configure and monitor the connections between servers and customer video monitors to provide multilevel information about video-on-demand services. Applicants have studied Richardson's Detailed Description at col. 4, line 44, through col. 5, line 52, and do not find the support asserted by the Examiner.

The Examiner further asserts that Ballhorn, as modified by Richardson, does not teach or suggest that upon receipt of a customer request, the system administrator interacts with the nodes of the display to select one of the servers to provide a requested video program to the customer, and assigns to the customer one or more multitude of channels to configure a video path between the selected one of the servers and the customers for transmitting the requested video program for viewing. The Examiner concludes, however, that Walker at Fig. 1, and Figs. 5-11, disclose that a system administrator or live operator 140 interacts with nodes of a display to select servers, vendors and broadcasters to provide programs and configure paths between selected servers and customers (col. 3, line 6-col. 4, line 21, lines 38-50, col. 5, line

10-col. 6, line 22 and col. 7, line 30-col. 8, line 39), and that it would have been obvious to modify the teachings of Walker into Ballhorn modified by Richardson to allow a system administrator or live operators to respond to customer requests and route requested services to appropriate servers or channels for the purpose of enabling the customers to receive the requested services.

Applicants again respectfully disagree. The suggested teaching, suggestion or motivation is improper under Section 103(a) and KSR. Enabling customers to receive the requested services is rather broad, and appears to be the end of Ballhorn, Richardson and even applicants' invention as claimed. That is, and with all due respect, all video on demand service systems have at least one purpose of enabling the customers to receive the requested services. But applicants' invention as set forth in their independent claims is much more, and clearly distinguishable from Ballhorn, Richardson and Walker. For that matter, the Examiner has not provided a cite to any of the references for the suggested motivation.

But while applicants finds the stated reasons to make such a combination to be improper under Section 103(a) and KSR, even *assuming arguendo* that it could be proper to combine Richardson and Ballhorn with Walker, such proposed combination would still not render obvious applicant's rejected claims for at least the following reasons.

That is, Walker discloses a system that allows television viewers to buy products shown on television programs. In this system, a central controller 110 receives product data and entertainment program data from remote terminals 150, and stores this data in a memory. Also, viewer interface 120 transmits a product request to a corresponding interactive voice response Unit (IVRU) 130 and operator terminal 140, each of which may be located in a call service center. The product request describes a particular product of interest to the viewer, and an operator at operator terminal 140 then transmits program description data

corresponding to the request to the central controller 110. This controller, after accessing the product and program data stored in its memory, transmits product identification data back to operator terminal 140, and this data are provided to viewer interface 120. If the viewer decides to purchase a product, controller 110 then transmits product order data to vendor facility 160, and this facility routes the purchased product to the viewer. Walker is used to sell products that are shown in a television program, not the television programs themselves. In the present invention, in contrast, the television programs themselves are sent to the viewers.

Independent claims 1, 6, 11 and 29, particularly describe the feature that the system administrator interacts with the nodes of the tree display, when one of the customers requests a video program, (i) to select one of the servers to provide the requested video program to that one of the customers and (ii) to assign to the one of the customers one or more of a multitude of video data channels to configure a video data path between the selected one of the servers and the video monitor of said one of the customers, where this channel is then used for transmitting the requested video program from the selected one of the servers to the video monitor of said one of the customers for viewing by that customer.

Independent claims 18 and 25 further include that when one of the customers requests a video program, the system administrator interacts with the matrix module or the matrix cells (i) to select one of the servers to provide the requested video program to that one of the customers and (ii) to assign to the one of the customers one or more of a multitude of video data channels to configure a video data path between the selected one of the servers and the video monitor of said one of the customers, where this channel is then used for transmitting the requested video program from the selected one of the servers to the video monitor of said one of the customers for viewing by that customer.

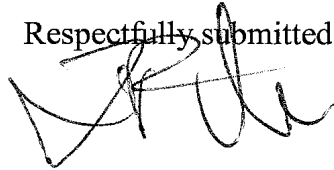
None of Ballhorn, Richardson and Walker, whether alone or in any combination, discloses applicants' invention as set forth in any of independent claims 1, 6, 11, 18, 25 and 29. And while the Examiner also rejects dependent claims 35 and 36 by Ballhorn, Richardson and Walker, as proposed, and further in view of Peters, applicants respectfully disagree that the proposed by-four combination is proper under the law, and that even if it were a proper rejection under Section 103(a), the proposed by-four combination would still fail to teach or suggest each of the elements of applicants' independent claim 18, from which claims 35 and 36 depend.

Peters describes a procedure for transferring multiple high bandwidth streams of data between multiple storage units, and storing different catalogs in different storage units. There is no disclosure or suggestion in Peters, though, for enabling an administrator of a video-on-demand system to configure and to monitor customer connections by interacting with displayed tree nodes or matrix cells.

Because of the above-discussed differences between independent claims 1, 6, 11, 18, 25 and 29 and the prior art, and because of the advantages associated with those differences, the independent claims patentably distinguish over the prior art and are allowable. Claims 2, 4, 5 and 34 are dependent from claim 1 and are allowable therewith; claims 7, 9 and 10 are dependent from claim 6 and are allowable therewith; and claims 12-16 are dependent from, and are allowable with, claim 11. In addition, claims 19-23, 35 and 36 are dependent from, and are allowable with, claim 18; claims 26-28 are dependent from claim 25 and are allowable therewith; and claim 30 is dependent from, and is allowable with, claim 29. Also, claims 17, 24 and 31 incorporate by reference, and are allowable with, claims 1, 18 and 30 respectively. Claims 31-33 are dependent from claim 30 and are allowable therewith.

The Examiner is thus respectfully requested to reconsider and to withdraw the rejection of claims 1, 2, 4-7 and 9-36 under 35 U.S.C. §103, and to allow these claims. If the Examiner believes that a telephone conference with Applicants' Attorneys would be advantageous to the disposition of this case, the Examiner is asked to telephone the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'John F. Vodopia', written over the typed name.

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